

UNITED STATES BANKRUPTCY COURT
Southern District of New York

MEDIATOR'S FINAL REPORT

In accordance with the Court's order dated August 4, 2020, I, David Murphy of Phillips ADR, that I conducted the mediation in this matter on September 16 and 30, 2020. The names of counsel and principals who participated in the mediation are listed below. All parties acted in good faith during the mediation. As noted below, the mediation resulted in the successful resolution of all issues subject to the mediation.

1. Case name: Nisselson v. Farnsworth (In re Helios and Matheson Analytics, Inc. a/k/a MovieFone, et al.)
2. a. Case #:20-10242-smb b. Adversary # (if applic.):20-01182-smb
3. Nature of dispute: Claims for breach of fiduciary duty against former directors and officers of the Debtors.
4. Date of mediator appointment: August 4, 2020.
5. a. Has case settled?: Yes. _____
[] Yes, before first meeting [x] Yes, in mediation (*As a result of discussions that occurred in the days following the mediation and a mediator's proposal*) [] Yes, after mediation, if you know [] Case did not settle
b. If settled, how long from appointment to settlement of case?: Approximately two months
6. a. What was total fee?: \$__ b. How was it paid?:
Phillips ADR was paid \$60,000 for two full days of mediation. The \$30,000 per session day fee included time spent reviewing the parties' extensive written submissions and exhibits, pre-mediation calls with all parties, and the two mediation sessions themselves. The cost of the mediation was split three ways among Trustee/Plaintiff (1/3), Class Plaintiffs in a parallel securities class action (1/3) and Defendants (1/3). For follow up work, I charged an additional \$8,334 for the estate's share of additional work.

7. Please list persons in attendance (including party association, i.e., defendant, plaintiff):

David Murphy (Mediator)	Alan Nisselson (Trustee/Plaintiff)
Angela Somers (Trustee/Plaintiff)	Jason Collins (Trustee/Plaintiff)

Mohah Jaffe (Trustee/Plaintiff)	Daniel Farnsworth (Officers and Directors/Defendants)
Robert Horowitz (Officers and Directors/Defendants)	Nathan Haynes (Officers and Directors/Defendants)
Kevin Friedmann (Officers and Directors/Defendants)	Alex Linhardt (Officers and Directors/Defendants)
Reid Figel (Carl Schramm/Defendant)	David Schwarz (Carl Schramm/Defendant)
Minsuk Han (Carl Schramm/Defendant)	David Berger (Chris Kelly and Maria Stipp/Defendants)
John Flynn (Chris Kelly and Maria Stipp/Defendants)	Josh Baskin (Chris Kelly and Maria Stipp/Defendants)
Jessica Hartwell (Defendants Kelly and Stipp)	John McCarrick (Argo/Carrier)
Jason Ellis (Argo/Carrier)	George Cortelyou (Axis/Carrier)
Cara Duffield (Axis/Carrier)	Dawn Foti (Chubb/Carrier)
Darius Kandawalla (Freedom/Carrier)	Jennifer Taub (Nationwide/Carrier)
Eric Weissman (Starstone/Carrier)	Gary Gassman (ANV/Carrier)
Olga Ilyayeva (QBE/Carrier)	

8. Please provide the names, addresses, and telephone numbers of counsel:

REID COLLINS & TSAI LLP P. Jason Collins Angela J. Somers Yonah Jaffe 810 Seventh Avenue, Suite 410 New York, New York 10019 212.344.5200 <i>Counsel for Alan Nisselson, as Chapter 7 Trustee of Helios and Matheson Analytics, Inc., MoviePass, Inc., and Zone Technologies, Inc.</i>	GREENBERG TRAURIG, LLP Daniel J. Tyukody Robert A. Horowitz Nathan A. Haynes Leo Muchnik MetLife Building 200 Park Avenue New York, NY 10166 <i>Counsel for Defendants Theodore Farnsworth, Stuart Benson, Mitch Lowe, Muralikrishna Gadiyaram, Prathap Singh and Gavriel Ralbag, Joseph Fried, Parthasarathy Krishnan</i>
WILSON SONSINI David J. Berger Josh Baskin Jessica Hartwell 650 Page Mill Road Palo Alto, CA 94304 Tel: 650.320.4901 <i>Counsel for Defendants Christopher Kelly and Maria Stipp</i>	KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C. Reid M. Figel David L. Schwarz Minsuk Han 1615 M Street, N.W., Suite 400 Washington, D.C. 20036 <i>Counsel for Defendant Carl J. Schramm</i>

Signature of Mediator:

Date: 11/4/20

Rowayton, CT 06853

Phone:

917-446-0233